

# SENATE BILL 221

J1, M3

EMERGENCY BILL

11r0630  
CF HB 54

---

By: **Senator Conway**

Introduced and read first time: January 27, 2011

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2011

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Decabrominated Diphenyl Ether – Trace Amounts**

3 FOR the purpose of exempting certain aircraft from the application of a prohibition on  
4 the manufacture, lease, sale, or distribution for sale or lease of certain products  
5 that contain decabrominated diphenyl ether; altering certain prohibitions on the  
6 manufacturing, leasing, selling, or distributing of certain products that contain  
7 decabrominated diphenyl ether; making this Act an emergency measure; and  
8 generally relating to the use of decabrominated diphenyl ether.

9 BY repealing and reenacting, without amendments,  
10 Article – Environment  
11 Section 6–1201(a) and (b)  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Environment  
16 Section 6–1202.1  
17 Annotated Code of Maryland  
18 (2007 Replacement Volume and 2010 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Environment**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 6–1201.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) “DecaBDE” means decabrominated diphenyl ether.

4 6–1202.1.

5 (a) (1) In this section, “transportation equipment”, “military equipment”,  
6 and “components of transportation or military equipment” do not include shipping  
7 pallets used to transport unpackaged fruits and vegetables.

8 (2) This section does not apply to:

9 (i) Original equipment manufacturer replacement service parts  
10 or other products manufactured before January 1, 2011, if the part or products were  
11 manufactured in compliance with applicable federal, State, and local laws; and

12 (ii) 1. A vehicle, as defined in § 11–176 of the  
13 Transportation Article; ~~or~~

14 **2. AN AIRCRAFT, AS DEFINED IN § 5–101 OF THE**  
15 **TRANSPORTATION ARTICLE; OR**

16 ~~3.~~ **3.** A product, part, or replacement part for use in a  
17 vehicle **OR AIRCRAFT.**

18 (b) (1) Beginning on December 31, 2010, a person may not manufacture,  
19 lease, sell, or distribute for sale or lease in the State any of the following products that  
20 contain **MORE THAN ONE–TENTH OF 1% OF** decaBDE **BY MASS OF THE PRODUCT**  
21 **AS A WHOLE:**

22 (i) Mattresses;

23 (ii) Upholstered furniture designed for residential use; and

24 (iii) Electrical or electronic equipment.

25 (2) Except as provided in paragraph (3) of this subsection, beginning  
26 on December 31, 2012, a person may not manufacture, lease, sell, or distribute for sale  
27 or lease in the State any product that contains **MORE THAN ONE–TENTH OF 1% OF**  
28 decaBDE **BY MASS OF THE PRODUCT AS A WHOLE.**

29 (3) Paragraph (2) of this subsection does not apply to:

30 (i) Transportation equipment;

1 (ii) Military equipment; or

2 (iii) Components of transportation or military equipment.

3 (c) On or after December 31, 2013, a person may not manufacture, lease,  
4 sell, or distribute for sale or lease in the State the following products that contain  
5 **MORE THAN ONE-TENTH OF 1% OF decaBDE BY MASS OF THE PRODUCT AS A**  
6 **WHOLE**:

7 (1) Transportation equipment;

8 (2) Military equipment; or

9 (3) Components of transportation or military equipment.

10 (d) This section does not prohibit:

11 (1) A retailer that is in possession of a product prohibited for  
12 manufacture, lease, sale, or distribution for sale or lease under subsections (b) and (c)  
13 of this section from selling, recycling, or otherwise disposing of a product that is in the  
14 retailer's or lessor's inventory on or after the date that the prohibition takes effect;

15 (2) A person from recycling a product that contains decaBDE;

16 (3) A person from selling, leasing, recycling, or otherwise disposing of  
17 a product that contains recycled decaBDE;

18 (4) Any activity involving a product that contains decaBDE that  
19 occurs subsequent to first sale at retail; or

20 (5) A person from transporting or storing a product prohibited under  
21 subsections (b) and (c) of this section for later distribution outside the State.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
23 measure, is necessary for the immediate preservation of the public health or safety,  
24 has been passed by a ye and nay vote supported by three-fifths of all the members  
25 elected to each of the two Houses of the General Assembly, and shall take effect from  
26 the date it is enacted.